

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

Britt Edwards,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:23-cv-229
)	
New World Collections, Inc.)	
)	
Defendant.)	

COMPLAINT

INTRODUCTION

1. Plaintiff brings this action against Defendant to enforce his rights under the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (“FDCPA”). Plaintiff is a consumer and Defendant is a debt collector. While acting as a debt collector, Defendant attempted to collect a consumer debt from plaintiff. In so doing, Defendant violated the FDCPA by taking actions that cannot be legally taken in connection with the collection of a debt, *see* 15 U.S.C. § 1692d, 15 U.S.C. § 1692e, and 15 U.S.C. § 1692f. Plaintiff seeks actual, statutory, and punitive damages from defendants, along with an appropriate award of costs, litigation expenses, and attorneys’ fees.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue in this District is proper under 28 U.S.C. § 1391, as Defendant conducts business in this District and the conduct complained of occurred here.

PARTIES

4. Plaintiff Britt Edwards (“Edwards”) is a citizen of the State of Indiana, who resides in the Southern District of Indiana, from whom Defendant attempted to collect a delinquent consumer debt.

5. Plaintiff is the debtor in a Chapter 13 bankruptcy proceeding pending in the U.S. Bankruptcy Court for the Southern District of Indiana under Case Number 19-09057-RLM-13.

6. Plaintiff is a consumer as defined by 15 U.S.C. § 1692a(3).

7. Defendant New World Collections, Inc. (hereinafter referred to as “New World”) is an Indiana corporation, that acts as a debt collector, as defined by § 1692a of the FDCPA, because it regularly collects, or attempts to collect, delinquent consumer debts. New World attempts to collect debts from consumers, including consumers in the State of Indiana. New World is a debt collector that collects debts after default and is therefore a debt collector under the FDCPA. In fact, New World was acting as a debt collector as to the delinquent consumer debt it attempted to collect from plaintiff.

8. New World is authorized to conduct business in Indiana and maintains a registered agent here.

FACTUAL ALLEGATIONS

9. Due to financial difficulties, on December 10, 2019, Edwards filed a Chapter 13 bankruptcy petition in the U.S. Bankruptcy Court, Southern District of Indiana in a matter styled: In re: Edwards, S.D. Ind. Bankruptcy No. 19-09057-RLM-13.

10. Among the debts listed on Edwards’s bankruptcy schedules is the New World debt.

11. On December 10, 2019, defendant was given notice of the bankruptcy by the

court, via electronic transmission. A copy of the Certificate of Service for the Notice of Chapter 13 Bankruptcy Case is attached hereto as Exhibit “A”.

12. Not only did New World receive notice of the Chapter 13 bankruptcy filing, New World filed a Proof of Claim in Edwards’ Chapter 13 bankruptcy. A copy of the proof of claim is attached hereto as Exhibit “B”.

13. Despite having notice of the Chapter 13 proceeding, on February 7, 2022, New World filed a collection lawsuit against Edwards in the Hamilton County Superior Court under cause number 29D01-2202-CC-00881.

14. As a result of the state court collection case, Edwards has suffered a concrete injury and has been forced to defend the collection action.

15. New World’s actions have caused Edwards to suffer an economic hardship and thwarted his efforts at a fresh start.

16. Edwards has suffered actual and statutory damages as a result of New World’s collection efforts.

17. All of New World’s collection actions at issue in this matter occurred within one year of the date of this Complaint.

**VIOLATION OF § 1692d OF THE FDCPA-
HARASSMENT OR ABUSE**

18. Edwards adopts and realleges Paragraphs 1- 17.

19. Section 1692d of the FDCPA prohibits debt collectors from engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

20. By attempting to collect a debt included in Edwards’ Chapter 13 bankruptcy, New World violated § 1692d of the FDCPA.

21. New World's violation of §1692d of the FDCPA renders it liable for actual and statutory damages, costs, and reasonable attorneys' fees. See, 15 U.S.C. § 1692k.

**VIOLATION OF § 1692e OF THE FDCPA -
FALSE OR MISLEADING REPRESENTATIONS**

22. Edwards adopts and realleges Paragraphs 1 – 21.

23. § 1692e of the FDCPA prohibits a debt collector from using any false, deceptive, or misleading representation or means in connection with the collection of a debt.

24. By attempting to collect a debt which was included in a bankruptcy filing, New World violated § 1692e of the FDCPA.

25. New World's violation of §1692e of the FDCPA renders it liable for actual and statutory damages, costs, and reasonable attorneys' fees. See, 15 U.S.C. § 1692k.

**VIOLATION OF § 1692f OF THE FDCPA -
UNFAIR PRACTICES**

26. Edwards adopts and realleges Paragraphs 1 – 25.

27. § 1692f of the FDCPA prohibits debt collectors from using unfair or unconscionable means to collect or attempt to collect any debt.

28. By attempting to collect a debt which was included in a bankruptcy filing, New World used unfair and unconscionable means to collect the debt, in violation of § 1692f of the FDCPA.

29. New World's violation of §1692f of the FDCPA renders it liable for actual and statutory damages, costs, and reasonable attorneys' fees. See, 15 U.S.C. § 1692k.

WILLFUL VIOLATION OF THE AUTOMATIC STAY

30. Edwards adopts and realleges Paragraphs 1 – 29.

31. New World's willful attempt to collect a debt included in Edwards' Chapter 13 bankruptcy is a direct violation of the U.S. Bankruptcy Code's automatic stay provisions as set forth in 11 U.S.C. § 362.

32. New World's violation of 11 U.S.C. § 362 renders it liable to Edwards for actual damages, punitive damages, attorney fees, and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Britt Edwards respectfully requests that the Court find that Defendant New World Collections, Inc. violated the FDCPA and violated the automatic stay provisions of the U.S. Bankruptcy Code and enter judgment against New World Collections, Inc. for actual damages, statutory damages, punitive damages, costs and reasonable attorneys' fees pursuant to 15 U.S.C. § 1692k and 11 U.S.C. § 362(h) and all other just and proper relief.

Respectfully submitted,

/s/ Thomas G. Bradburn
Thomas G. Bradburn (15377-49)
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiffs respectfully request trial by jury.

Respectfully submitted,

/s/ Thomas G. Bradburn
Thomas G. Bradburn

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